IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 455 OF 2003

Eknath Gopal Rahirkar
and anr. .. Petitioners

Vs.

Pune Municipal Corporation
and ors. .. Respondents

Mrs. Suhasini Mutalik for the petitioners.

CORAM: **B.H. MARLAPALLE,J.**

DATED: **JUNE 7, 2005**

P.C.:

1. Heard Mrs. Suhasini Mutalik, learned counsel for the petitioners.

2. Admittely as the slums of the suit plot do not exit as they have been removed and the plot also is reserved as open space in the town planning scheme sanctioned by the State Government. The apprehension of the petitioners is that in case in future any of them or any other person is required to approach the Civil Court, on the basis of the view taken by the Trial Court in the impugned order, such suit may not be entertained. The cause of action for agitating the issues raised in RCS No.927 of 2002 does not survive any further and,

therefore, the challenge to the impugned order need not be gone into at this stage.

3. The application is, therefore, rejected and it is clarified that the impugned order would not operate as a bar against the petitioners if they are required to resort to similar action in future.

(B.H. Marlapalle,J.)